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7 Attorneys for Plaintiffs and Cross-Defendants
 8 PETER FORTENBAUGH and BETTY LEE,
 in their capacity as Trustees of THE PETER
 9 FORTENBAUGH TRUST

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION

13 PETER FORTENBAUGH and BETTY LEE,
 14 in their capacity as Trustees of THE PETER
 15 FORTENBAUGH TRUST, a California
 Trust,

16 Plaintiffs,

17 v.

18 CLASSICSTAR FINANCIAL SERVICES,
 INC., and DOES 1 through 30, inclusive,

19 Defendants.

20 FIRST SOURCE WYOMING, INC., a
 21 Delaware Corporation,

22 Cross-Complainant,

23 v.

24 PETER FORTENBAUGH and BETTY LEE,
 25 in their capacity as Trustees of THE PETER
 FORTENBAUGH TRUST, a California
 Trust, and ROES 1 through 30, inclusive,

26 Respondent.

No. C 08 03898 PVT

Action Removed: August 14, 2008

DECLINATION TO PROCEED BEFORE
 A MAGISTRATE JUDGE AND
 REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE

1 REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE
2

3 Pursuant to Civ. L.R. 73-1(a)(1), and without conceding the propriety of Defendant's
4 removal petition, the undersigned party hereby declines to consent to the assignment of this
5 case to a United States Magistrate Judge for trial and disposition and hereby requests the
reassignment of this case to a United States District Judge.

6 DATED: August 26, 2008.

7 Respectfully submitted,

8 GILBERT R. SEROTA
9 JEREMY T. KAMRAS
HOWARD RICE NEMEROVSKI CANADY
10 FALK & RABKIN
A Professional Corporation

11 By: _____ /s/
12 GILBERT R. SEROTA

13 Attorneys for Plaintiffs and Cross-Defendants
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15 FORTENBAUGH TRUST

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